

**Maine Revised Statutes**  
**Title 35-A: PUBLIC UTILITIES**  
**Chapter 33: SMALL POWER PRODUCTION AND COGENERATION**

**§3306. TRANSACTIONS**

**1. Rate.** The small power producer or cogenerator and the transmission and distribution utility shall determine the rate paid by the transmission and distribution utility for the purchase of electricity as described in this section.

[ 1999, c. 398, Pt. A, §80 (AMD); 1999, c. 398, Pt. A, §§104, 105 (AFF) . ]

**2. Small power producer or cogenerator and public utility unable to agree.** In the event that the small power producer or cogenerator and the transmission and distribution utility are unable to agree to a contract for electricity, or to a price for the electricity purchased by the utility, or to an equitable apportionment of existing transmission and distribution line improvement costs, the commission shall require the utility to purchase the power at such rates and under such terms as the commission establishes by rule or order.

[ 1999, c. 398, Pt. A, §80 (AMD); 1999, c. 398, Pt. A, §§104, 105 (AFF) . ]

**3. Competing petitions filed by small power producers.** In the event competing petitions are filed by small power producers or cogenerators that are otherwise equivalent with respect to the standards set forth in former section 3307, and implementing rules adopted by the commission, the commission may give preference to any facility that is fueled primarily by municipal solid waste.

[ 1999, c. 398, Pt. A, §80 (AMD); 1999, c. 398, Pt. A, §§104, 105 (AFF) . ]

**4. Apportionment of transmission and distribution line improvement costs.** The commission shall base the equitable apportionment of existing transmission and distribution line improvement costs upon the benefits to the small power producer or cogenerator and the transmission and distribution utility.

[ 1999, c. 398, Pt. A, §80 (AMD); 1999, c. 398, Pt. A, §§104, 105 (AFF) . ]

**5. Commission decision on petition.** The commission shall issue a decision within 6 months from receipt of a petition signed by a small power producer, cogenerator or transmission and distribution utility for commission intercession.

[ 1999, c. 398, Pt. A, §80 (AMD); 1999, c. 398, Pt. A, §§104, 105 (AFF) . ]

**6. Filing fee.** The petitioner or petitioners requesting commission intercession shall pay to the commission an amount equal to \$1,000 per megawatt of capacity of the facility in issue. The petitioner or petitioners may request the commission to waive all or part of the filing fee. The commission shall rule on the request for waiver within 30 days. Filing fees paid as required in this subsection must be segregated,

apportioned and expended by the commission for the purposes of this section. Any portion of the filing fee that is received from any petitioner or petitioners and is not expended by the commission to process the request for intercession must be returned to the petitioner or petitioners.

[ 1999, c. 398, Pt. A, §80 (AMD); 1999, c. 398, Pt. A, §§104, 105 (AFF)  
. ]

#### SECTION HISTORY

1987, c. 141, §A6 (NEW). 1987, c. 490, §A7 (AMD). 1999, c. 398, §A80 (AMD). 1999, c. 398, §§A104,105 (AFF).

---

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 127th Maine Legislature and is current through October 1, 2016. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.